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**Z-2237**  
**AREA PLAN COMMISSION**  
**R1 TO A**

**STAFF REPORT**  
**April 14, 2005**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, on behalf of the owners David & Connie Krueger and Chase Enterprises, PLL, is requesting rezoning from R1 to A for a 20 acre tract which was rezoned A in 1997 then mistakenly rezoned back to the original R1 zoning when NUZO and the transitional zoning maps were adopted in 1998. The Kruegers propose to expand their existing self-storage mini-warehouse business. The site is located on the northeast corner of SR 43 N and SR 225, Tippecanoe 15 (SW) 24-4.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

These 20 acres and properties to the east along both sides of SR 225 had been zoned R1 since the County first established zoning districts in 1965. In November 1997 the owner of the entire 20 acres at that time, (David Krueger) applied to rezone the site in question to A, so that he could file a special exception for a mini-storage warehouse business (Z-1742, BZA-1447). The County Commissioners approved that request for Agricultural zoning in December 1997, and the special exception for the mini-storage warehouse business was granted by the Area Board of Zoning Appeals later that same month. After Mr. Krueger received his improvement location permit from the County Building Commissioner's Office for construction of the mini-warehouses, the A zoned 20 acres became R1 when NUZO and the transitional zoning maps took effect in January 1998.

In 2001, a five-acre tract adjacent to the east was rezoned to A from R1 for an existing tree removal business (Z-2051).

**AREA LAND USE PATTERNS:**

As mentioned above, the site in question has a mini-storage warehouse; this business use covers the southernmost ten acres of the site in question. The Kruegers parcelized the ten acres to the north into four parcels in 1999. One of those parcels has the Kruegers' house, and another parcel was sold to Chase Enterprises for use as a model home by TK Constructors. The other two parcels have not been sold or developed at this point.

**TRAFFIC AND TRANSPORTATION:**

SR 43 is classified as a secondary arterial north of 225, and is a primary to the south, according to the *Thoroughfare Plan*; SR 225 is classified as a secondary. Any new driveways or driveway improvements proposed in the State right-of-way would have to

be approved by the Indiana Department of Transportation (INDOT). Improvements to SR 43 between I-65 and SR 225 should occur during the next two years. Added travel lanes are scheduled for construction as far north as SR 225.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

Battle Ground utilities are not available to this site.

**STAFF COMMENTS:**

This zoning map oversight was recently brought to staff's attention when Mr. Krueger approached staff regarding the possibility of expanding his mini-storage warehouse business. The current ordinance, like the old ordinance, requires a special exception for this use in the Agricultural zone. It is not permitted in the R1 zone.

Staff contacted the owner of the TK Constructors' model home to make them aware of this 7-year old oversight in our mapping. That owner reviewed the pros and cons of R1 and A zoning for their company's situation, and decided to support the reversion back to A zoning.

The previous staff report written for this site in 1997 stated, "The *Phased Land Use Plan* designates this site as Agricultural. A preliminary version of an update to the *Plan* for the Battle Ground area also shows this site as Agricultural" and staff recommended approval of that rezoning. The final version of the *Battle Ground Land Use Plan* adopted in 1998 did designate this area as having an agricultural future based on the continued absence of sewer and water.

Rezoning this acreage would serve all existing and proposed uses of the current property owners. Given all the facts, and especially the agricultural future proposed in the Battle Ground *Plan*, it is appropriate to correct this zoning oversight.

**STAFF RECOMMENDATION:**

Approval